

CLAIMS

What is claimed is:

1. An isolated nucleic acid fragment comprising a promoter wherein said promoter consists essentially of the nucleotide sequence set forth in SEQ ID NOs:6, 14, 15, or 16 or said promoter consists essentially of a fragment or subfragment that is substantially similar and functionally equivalent to the nucleotide sequence set forth in SEQ ID NOs:6, 14, 15, or 16.

2. A chimeric gene comprising at least one heterologous nucleic acid fragment operably linked to the promoter of Claim 1 or Claim 10.

3. A plant containing the chimeric gene of Claim 2.

4. The plant of Claim 3 wherein said plant is a monocot selected from the group consisting of corn, rice, wheat, barley and palm.

5. The plant of Claim 3 wherein said plant is a dicot selected from the group consisting of *Arabidopsis*, soybean, oilseed *Brassica*, peanut, sunflower, safflower, cotton, tobacco, tomato, potato, and cocoa.

6. The plant of claim 5 wherein said plant is soybean.

7. Seeds of the plants of Claims 3, 4, 5, or 6.

8. A method of increasing or decreasing the expression of at least one heterologous nucleic acid fragment in a plant cell which comprises:

(a) transforming a plant cell with the chimeric gene of Claim 2;

(b) growing fertile mature plants from the transformed plant cell of step (a);

(c) selecting plants containing a transformed plant cell wherein the expression of the heterologous nucleic acid fragment is increased or decreased.

9. The method of Claim 8 wherein the plant is a monocot selected from the group consisting of corn, rice, wheat, barley and palm.

10. The method of Claim 9 wherein the plant is a dicot selected from the group consisting of *Arabidopsis*, soybean, oilseed *Brassica*, peanut, sunflower, safflower, cotton, tobacco, tomato, potato, and cocoa.

11. The method of Claim 10 wherein the plant is soybean.

12. An isolated nucleic acid fragment comprising a constitutive plant SAMS promoter.